

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT-N.D. OF N.Y.

FILED

MAR 08 2004

NAM DEP
04-CV-0247

Randolph Scott Plaintiff(s)

vs.

Timothy Quain Defendant(s)

AT 12:00 CLOCK
K. Baerman, Clerk-Syracuse

INMATE
CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

Civil Case No.:

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Randolph Scott #84-B-0381
Address: Clinton Correctional Facility Annex
P.O. Box-2002
Danmemora, New York 12929

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Timothy Quain
Official Position: "RN" II
Address: Clinton Correctional Facility Annex
P.O. Box-2002
Danmemora, New York 12929

b. Defendant: _____

Official Position: _____

Address: _____

c. Defendant: _____

Official Position: _____

Address: _____

Additional Defendants may be added on a separate sheet of paper.

4.

PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

(☒) Yes () No

b. If your answer to 4(a) is YES, did you present the facts relating to your complaint in this grievance program?

(☒) Yes () No

If your answer to 4(b) is YES:

(i) What steps did you take?

Filing a grievance on the
ground of unprofessional misconduct.

(ii) What was the final result of your grievance?

Receive no reply back.

If your answer to 4(b) is NO:

Why did you choose to not present the facts relating to your complaint in the prison's grievance program?

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

() Yes () No

If your answer to 4(c) is YES:

- (i) What steps did you take?

- (ii) What was the final result regarding your complaint?

If your answer to 4(c) is NO:

Why did you choose to not complain about the facts relating to your complaint in such prison?

5.

PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

() Yes (✓) No

- b. If your answer to 5(a) is YES you must describe any and all lawsuits, currently pending or closed, in the space provided on the next page.

For **EACH** such lawsuit, provide the following information:

i. **Parties to previous lawsuit:**

Plaintiffs:

Defendants:

ii. **Court (if federal court, name District; if state court, name County:**

iii. **Docket number:**

iv. **Name of Judge to whom case was assigned:**

v. **Disposition (dismissed? on appeal? still pending?)**

vi. **Approximate date of filing prior lawsuit:**

vii. **Approximate date of disposition:**

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary.)

On 12/26/03. I come here to Clinton Correctional Facility Annex. From Elmira Correctional Facility. With a personal permitted. To wear my personal dark tinted eyeglasses because I've a "eye-disease" of *Glaucoma* in both eyes have *Allergy* in both eyes. Have 80% lost of vision in my *right-eye* From the disease

56 (Attaching a additional Sheet(S) for more Space
of Statement of Claim).

Knowing and Having Knowledge as a "RN" of the medical department "RN" Timothy Quain, knowing of my "medical record" & my "eye-disease" as well as knowing I Randolph Scott #84-B-0381 need a permit to wear my personal dark tinted eyeglasses. In "New York State department of correctional Service, From the medical department (it's) a State wide policy, that a "New York State prisoner do have a personal -or- permit. To wear dark-tinted eyeglasses. Inside of the facility From the medical department." On 12/30/03. 1/26/04 and 2/2/04. "RN" Timothy Quain destroy (3) personal permits that was given to me to wear my personal dark tinted eyeglasses. My First personal permit was give to me, here at Clinton correctional Facility Annex, by the medical department administrator Nurse. Tausigant on 12/26/03. On 12/30/03. "RN Timothy Quain" call me out of my dorm 10-2 and destroy permit (1). Then I was give permit the Second time by "RN" unknown on 1/6/04. destroy then I was give third permit on 1/29/04. Again by "RN E. Blaise" then again call out of my dorm 6-1 by "RN Timothy Quain" up to the medical department and "RN Timothy Quain" destroy my (3) permit. To wear my personal dark tinted eyeglasses, which I do need permit to wear my personal dark tinted eyeglasses. Because of my serious medical need to wear dark tinted eyeglasses -

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because of the ^{*}Serious eye-diseas^{*} I also Filed a "Inmate with Diabetes Act under Human Rights of American with Diabetes, with the Superintendent, (Dale Artus). which was sign by my New York State department of correctional Service correction counselor, MRS. P. J. Komlos. also Sign by Superintendent, J. Artus on 11/20/04. In Sent to medical department, "RN Timothy Quain" refuse to Honor the Diabetes Act under Human Rights D. Constitutional Law

The Law has long accepted that pr:sons must to some extent, provide for pr:soners medical care. The U.S. Supreme Court concluded that medical care is a condition of confinement that is protected by the ^{*}Eight Amendment's guarantee against cruel and unusual punishment. The U.S. Supreme Court specifically held that "deliberate indifference to serious medical needs of prisoners constitutes the unnecessary and wanton infliction of pain" that (Violated) the Eight Amendment prohibits.

my alleged were Violated, And my Statement of Claim prove my Violated, and my medical reason and medical record will show my serious of my medical need to have my (eyes) protect from - Light & Sun. "RN Timothy Quain" having first hand knowledge of my medical needs to have both eyes protected, by wearing dark tinted eyeglasses. Violated - my Eight Amendment. under the ground of Violated of my Eight Amendment. I'm hereby asking of the Court to be rewarded the Sum of \$5,000,000 - For cruel and, unusual punishment & wrongful negligence of suffering & pain by the hand of "RN Timothy Quain".

MR. Timothy Quain "RN" having First Hand Knowledge. OF my "eye-disease" Destroy (3) personal permitteds, To keep me from wearing my personal dark tinted eyeglasses. Medical needed to protect both eye vision. Allegations of wrongful misconduct.

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

To have my violated up held under the Constitutional OF the Eight Amendments. Which was wrongful violated by "RN" Timothy Quain, AS a unprofessional medical Staff. Rightful Knowing OF my serious medical ~~condition~~ Needs & care by the medical department. Condition.

SECOND CAUSE OF ACTION

ASKing OF the court again under the Constitutional OF the Eight Amendments to have "RN Timothy Quain" Rightful - Removal OF medical certificate From medical department. Under the grounds OF cruel and unusual punishment.

THIRD CAUSE OF ACTION

having the ~~First~~ Hand Knowledge OF - a inmate medical ~~Records~~ and wrongful acting unprofessional as a medical Staff who's pose to uphold the duty OF a professional Staff, be held for his act OF negligence and wrongful medical care. and be reward by the court. OF honor in order. AS court (Seen) reward. OF \$5,000,000

8. Plaintiff(s) demand(s) a trial by

Jury -or- Court

(Circle only one).

9. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

To up-held the Constitutional Eight Amendment
OF the Serious medical care. By the Constitutional
Law. ALSO up-held reward sum of \$5,000,000 cause
of the cruel and unusual punishment. Wrongful -
negligence of suffering pain. By "RN Timothy Quinn"

I declare under penalty of perjury that the foregoing is true and correct.

DATED:

2/6/04.

Randolph Scott

Signature of Plaintiff(s)
(all Plaintiffs must sign)